

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER PAUL AGUIAR, individually,
and on behalf of other members of the
general public similarly situated,

Plaintiff,

vs.

CINGULAR WIRELESS, LLC, a
Delaware corporation,, et al.,

Defendants.

Case No.: CV 06-8197 DDP (AJWx)

CLASS ACTION COMPLAINT

**PROTECTIVE ORDER PURSUANT
TO STIPULATION REGARDING
DISCLOSURE OF PUTATIVE
CLASS MEMBERS' IDENTITIES
AND CONTACT INFORMATION**

Date Action Filed: November 16, 2006
Trial Date: None

1 The parties to the above-captioned action entered into a Stipulation And
2 Protective Order Regarding Disclosure Of Putative Class Members' Identities And
3 Contact Information, dated July 27, 2009 ("Stipulation") which provides as follows:

- 4 1. On or about June 2, 2008, Plaintiff propounded Special Interrogatory 3, in
5 Set One, to Defendants, seeking the names, last known home addresses
6 and last known home telephone numbers of persons who worked for
7 Defendants in "non-exempt" or hourly paid positions in retail stores within
8 the state of California at any time from November 16, 2002, up to the
9 present date. All such individuals meeting this definition shall be referred
10 to herein as the "Putative Class Members."
- 11 2. Defendants objected to producing the identities and contact information of
12 the Putative Class Members.
- 13 3. The Parties met and conferred about the objections in September 2008.
14 After focusing their efforts on reaching an agreement about the scope of a
15 scheduled mediation, the Parties again conferred about Defendants'
16 objections to Special Interrogatory 3.
- 17 4. On July 10, 2009, the Parties met, conferred and reached a compromise
18 about Special Interrogatory 3 and Defendants' objections thereto. The
19 Parties agreed that Defendants will withdraw their objections to
20 Interrogatory No. 3 and disclose the identities and contact information of
21 the Putative Class Members pursuant to procedures and conditions set
22 forth herein:
 - 23 a. The full name, last known addresses, last known telephone numbers,
24 and job titles of each Putative Class Member shall be referred to
25 herein as the Putative Class Member Contact Information (PCMCI).
 - 26 b. Simpluris, Inc. ("Simpluris") shall serve as notice administrator, and
27 within three (3) calendar days after entry of this Order by the Court,
28 Defendants shall provide the PCMCI to Simpluris.

- 1 c. Upon receipt of the PCMCI, Simpluris shall notify Plaintiff's
2 counsel that Defendants provided the PCMCI to Simpluris;
- 3 d. Simpluris shall maintain the PCMCI under the strictest of
4 confidence, meaning that Simpluris shall not disclose the PCMCI to
5 any person, including Plaintiff's counsel, except as provided for
6 herein. Simpluris hereby agrees to be bound by the terms of this
7 Stipulation and Order, and also agrees to submit to the jurisdiction
8 of the United States District Court, Central District of California,
9 with regard to its role, function, and actions as the notice
10 administrator in this action.
- 11 e. Within five (5) calendar days after receipt of the PCMCI, Simpluris
12 shall perform a search for updated addresses through reasonable
13 means of obtaining such addresses and thereafter send each Putative
14 Class Member a notice that advises them of the lawsuit and provides
15 them with an opportunity to opt-out from the disclosure of their
16 identities and contact information to Plaintiff's counsel. The form
17 of notice is agreed upon by the Parties and attached hereto as
18 Exhibit "A" (Notice). Upon sending of the Notice, Simpluris shall
19 notify all counsel of the number of updated addresses obtained
20 through the process described in this paragraph and the total number
21 of Notices sent.
- 22 f. Putative Class Members may object to the disclosure of their
23 identities by signing and returning a postage pre-paid postcard
24 addressed to Simpluris, attached hereto as Exhibit "B" (Opt-out
25 Postcard), postmarked twenty (20) calendar days or less from the
26 date on which Simpluris mails the Notice to the Putative Class
27 Members.
- 28 g. Putative Class Members who do not send an Opt-out Postcard

1 postmarked twenty (20) calendar days or less from the date on
2 which Simpluris mails the Notice will be presumed to have
3 consented to providing their identity and contact information to
4 Plaintiff's counsel.

- 5 h. Twenty-three (23) days after sending the Notices, Simpluris shall
6 provide Plaintiff's counsel the PCMCi for those Putative Class
7 Members who have not timely returned an Opt-out Postcard.
8 Simpluris shall also provide all counsel with all updated addresses
9 and phone numbers obtained through the address-updating process
10 described above, for those Putative Class Members who did not
11 timely return an Opt-Out Postcard.
- 12 i. Twenty-five (25) days after sending the Notices, Simpluris shall
13 provide to Defense Counsel copies of any and all communications
14 between it and Plaintiff's Counsel regarding this case, as well as
15 copies of any and all information it provided to Plaintiff's Counsel
16 pursuant to paragraph (h) above.
- 17 j. Plaintiff's counsel shall be solely responsible to Simpluris for the
18 cost of the administration of the Notice and Opt-out Postcard.

- 19 5. This Stipulation is entered into without prejudice to Plaintiff to file a
20 motion to compel the PCMCi of the Putative Class Members in the event
21 that Defendants fail to abide by the terms of this agreement.

22
23 After considering the Stipulation of the parties, and good cause appearing, it is
24 hereby ORDERED that:

25 The Stipulation And Protective Order Regarding Disclosure Of Putative Class
26 Members' Identities And Contact Information, the terms of which are set forth in
27 this ORDER, is hereby approved and adopted as the ORDER of the Court.

28 It is FURTHER ORDERED that the Notice identified in the Stipulation shall

contain the following text:

Peter Paul Aguiar v. AT&T Mobility, LLC, et al.
United States District Court, Central District of California
CASE NO. CV 06-8197 DDP (AJWx)

NOTICE TO POTENTIAL CLASS MEMBERS OF REQUEST FOR CONTACT INFORMATION

John Doe
1234 Anywhere St., Apt. 1234
Los Angeles, CA 12345

A lawsuit has been filed concerning alleged: (1) improper wage statements; (2) late wage payments; (3) unlawful deductions from wages; (4) non-payment for missed meal periods; (5) non-payment for missed rest periods; (6) unreimbursed business-related expenses; (7) unpaid vested vacation pay; (8) unpaid wages; and (9) violation of the California Business & Professions Code §17200 *et seq.* on behalf of certain current and former hourly employees of AT&T Mobility, LLC (formerly known as Cingular Wireless, LLC) and Cingular Wireless Employee Services, LLC (the "Defendants") in California. The court has not made any determination about whether the Plaintiff in this case is entitled to represent a class of current and former employees or any determination as to the validity of the Plaintiff's claims. Defendants deny any liability or wrongdoing of any kind associated with any of the claims alleged in the lawsuit. Plaintiff's counsel is seeking to contact potential class members in order to gather information about the case and has requested your identity and contact information. This letter is being sent to you to inform you that your identity and contact information will be released unless you object by signing and returning the enclosed postcard on or before ____ 2009.

If you do not want your name, your last known home address, and your last known home telephone number to be provided to the Plaintiff's counsel, you must complete and return the enclosed postcard on or before _____ (which is 20 days from the date of the mailing of this notice). If you do not return the enclosed postcard, your name, your last known home address, and last known home telephone number will be provided to the Plaintiff's attorneys.

Your right to participate, or not participate, in the lawsuit will not be affected by whether or not you return the enclosed postcard. Your employment with Defendants will not be affected in any way by whether or not you choose to return the enclosed postcard, or whether or not you wish to discuss your employment with Defendants with legal counsel.

If you have questions about this notice, you may seek independent legal counsel, or you may contact any of the following attorneys representing the parties:

Plaintiff's Attorneys

H. Scott Leviant, Esq.
Payam Shahian, Esq.
INITIATIVE LEGAL GROUP, APC
1800 Century Park East, Second Floor
Los Angeles, CA 90067
Telephone: (800) 790-7155
E-mail: ATTLawsuit@InitiativeLegal.com
Attorneys for Plaintiff

Defendants' Attorneys

Mark A. Romeo
Kendra D. Miller
CROWELL & MORING LLP
3 Park Plaza, 20th Floor
Irvine, California 92614-8505
Telephone: (949) 263-8400
E-mail: mromeo@crowell.com
Attorneys for Defendants

DO NOT CONTACT THE COURT ABOUT THIS NOTICE

It is FURTHER ORDERED that the Opt-Out Postcard identified in the Stipulation shall contain the following text:

Peter Paul Aguiar v. AT&T Mobility, LLC, et al.
United States District Court, Central District of California
CASE NO. CV 06-8197 DDP (AJWx)

IF YOU DO NOT WANT YOUR NAME, LAST KNOWN HOME ADDRESS AND LAST KNOWN HOME TELEPHONE NUMBER DISCLOSED TO THE PLAINTIFF'S ATTORNEYS IN THE ABOVE-REFERENCED CASE, THIS POSTCARD MUST BE SIGNED AND RETURNED ON OR BEFORE [DATE ____], 2009.

By signing below, I am stating that I DO NOT want my name, last known home address, and last known home telephone number disclosed to the Plaintiff's attorneys in the above-referenced case.

SIGNATURE _____ DATE _____

TO BE EFFECTIVE, PLEASE RETURN THIS POSTCARD TO:

AT&T Mobility, LLC Litigation
NOTICE ADMINISTRATOR
C/O SIMPLURIS, INC.
3176 PULLMAN ST. STE. 123
COSTA MESA, CA 92926-9906

POSTMARKED ON OR BEFORE [DATE ____], 2009

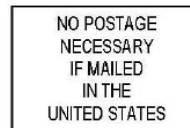
[FRONT AND BACK VIEWS OF MODEL OPT-OUT POSTCARD]



POSTAGE WILL BE PAID BY ADDRESSEE

AT&T Mobility, LLC, et al., Litigation

SIMPLURIS INC
3176 PULLMAN ST STE 123
COSTA MESA CA 92626-9906



1 Notwithstanding any other provision, this ORDER shall not be construed to
2 limit notice administrator Simpluris's ability to fill in the placeholder names and
3 dates on the Notice and the Opt-Out Postcard or adjust the formatting and exact
4 layout of the Notice and the Opt-Out Postcard for purposes of complying with
5 postal regulations, printing capabilities, and ensuring the legibility of the
6 documents.

7
8 **IT IS SO ORDERED.**

9
10 Dated: 7/28/2009

/s/

Honorable Andrew J. Wistrich
United States Magistrate Judge

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